

ATTACHMENT B: ECOLOGY REQUIRED AND RECOMMENDED CHANGES TO THE EATONVILLE SHORELINE MASTER PROGRAM PERIODIC REVIEW AMENDMENT -

Changes in **red** are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue** are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY 1- DISCUSSION/RATIONALE
REQ-1 Rec-1	4.3.2 Critical Areas Incorporation	1. The Town of Eatonville Critical Areas Ordinance, as codified in EMC 15.16 (Ordinance No. 2019-10, approved November 25, 2019) and 15.24 , is herein incorporated into this Program except as noted. Exceptions to the applicability of the Town of Eatonville Critical Areas Code within the shoreline jurisdiction are as follows:	Required change: Re-insert the ordinance number and adoption date, using the most current revisions. Inclusion of the updated ordinance number and date is necessary for consistency with WAC 173-26-191(2)(b). Adoption by reference into an SMP requires reference to a specific dated edition. Recommended change: Flood hazard regulations are not necessary for consistency with RCW 90.58 or the SMP guidelines. The SMP would remain consistent with the requirements of WAC 173-26-221(3) through implementation of 4.4 Flood Hazard Reduction. Ecology does not recommend adopting by reference a specific version, because it would mean that every time the Town updates its flood code or amends it, it would be out of sync with the SMP. A soft reference is preferred over incorporation.
REQ-2	4.3.2 Critical Areas Incorporation	a. Activities that are exempt from the Critical Area Code per EMC 15.16.107 shall comply with this Program. Such activities may require a shoreline substantial development permit, shoreline variance or shoreline conditional use permit unless the Program and RCW 90.58.030(3)(e) specifically indicate the activity is exempt from shoreline substantial development permit requirements. Additionally, the exemption for small Category IV wetlands set forth in EMC 15.16.107(S) shall not apply in shoreline jurisdiction.	Required change: Exempting small Category IV wetlands from critical areas requirements is inconsistent with Ecology’s 2016 wetland guidance, which does not apply this exemption to shoreline associated wetlands. Wetlands protections in shoreline jurisdiction must be consistent with the requirement to ensure no net loss of shoreline ecological functions. This change is required for consistency with WAC 173-26-201(2)(a) and 173-26-221(2)(a)(ii).
Rec-2	4.3.2 Critical Areas Incorporation	h. The allowance of permeable trails in the outer 50 percent of a wetland buffer per EMC 15.16.113(B)(3) 15.16.113(B)(3) does not apply in the shoreline. Within shoreline jurisdiction, walkways, trails and wildlife viewing structures are allowed only in the outer 25 percent of wetland buffers and should be limited to pervious surfaces no more than five feet in width.	Recommended change: The citation to EMC 15.16 is incorrect. This change is recommended to correct the citation for improved clarity of the document.
REQ-3		i. <u>The provisions of EMC 15.16.123(C) through (E) shall not apply in shoreline jurisdiction. Activities and uses are prohibited in wetlands, except as allowed through the Shoreline Variance process.</u>	Required change: Allowing direct wetland impacts, except in rare cases of Shoreline Variances where such impacts are mitigated, is inconsistent with the no net loss requirements of the SMA found in WAC 173-26-186(8)(b) and WAC 173-26-221(2)(a)(ii). This change is necessary for consistency with these rules.

ATTACHMENT B: ECOLOGY REQUIRED AND RECOMMENDED CHANGES TO THE EATONVILLE SHORELINE MASTER PROGRAM PERIODIC REVIEW AMENDMENT -

Changes in **red** are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue** are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> -additions; strikethrough -deletions]	ECOLOGY 1- DISCUSSION/RATIONALE															
REQ-4	4.3.2 Critical Areas Incorporation	<p>j. <u>The buffer provisions in EMC 15.16. 123 (F) (2) shall not apply in shoreline jurisdiction. Buffers for wetlands in shoreline jurisdiction shall be determined in accordance with the following table:</u></p> <table><tr><th><u>Category (2014 Wrn.WA Rating System)</u></th><th><u>Total Points in Rating System</u></th><th><u>Alternative 2 Buffer Category+Land Use Intensity (lo/med/hi)</u></th></tr><tr><td><u>I</u></td><td><u>>23</u></td><td><u>Lo 150, mod 225, hi 300</u></td></tr><tr><td><u>II</u></td><td><u>20-22</u></td><td><u>Lo 150, mod 225, hi 300</u></td></tr><tr><td><u>III</u></td><td><u>16-19</u></td><td><u>Lo 75, mod 110, hi 150</u></td></tr><tr><td><u>IV</u></td><td><u><16</u></td><td><u>Lo 25, mod 40, hi 50</u></td></tr></table>	<u>Category (2014 Wrn.WA Rating System)</u>	<u>Total Points in Rating System</u>	<u>Alternative 2 Buffer Category+Land Use Intensity (lo/med/hi)</u>	<u>I</u>	<u>>23</u>	<u>Lo 150, mod 225, hi 300</u>	<u>II</u>	<u>20-22</u>	<u>Lo 150, mod 225, hi 300</u>	<u>III</u>	<u>16-19</u>	<u>Lo 75, mod 110, hi 150</u>	<u>IV</u>	<u><16</u>	<u>Lo 25, mod 40, hi 50</u>	<p>Required change: Existing wetland buffers in the incorporated CAO are smaller than recommended by Ecology guidance. Items J and k are necessary for consistency with WAC 173-26-201 (2)(a) and WAC 173-26-221(2)(a)(ii).</p> <p>Buffer reductions through averaging are inconsistent with the no net loss requirements of the SMA found in WAC 173-26-186 (8)(b) and WAC 173-26-221(2)(a)(ii). The added subsections (j and k) are necessary for consistency with these rules. Allowing further reduction beyond 25% of standard buffer width, or below 25 feet in any circumstance, is not supported by “the most current, accurate, and complete scientific information” (WAC 173-26-201(2)(a)).</p>
		<u>Category (2014 Wrn.WA Rating System)</u>	<u>Total Points in Rating System</u>	<u>Alternative 2 Buffer Category+Land Use Intensity (lo/med/hi)</u>														
<u>I</u>	<u>>23</u>	<u>Lo 150, mod 225, hi 300</u>																
<u>II</u>	<u>20-22</u>	<u>Lo 150, mod 225, hi 300</u>																
<u>III</u>	<u>16-19</u>	<u>Lo 75, mod 110, hi 150</u>																
<u>IV</u>	<u><16</u>	<u>Lo 25, mod 40, hi 50</u>																
Rec-3	4.3.2 Critical Areas Incorporation	<p>i. <u>The mitigation sequence listed in EMC 15.16.124(C) shall not apply in shoreline jurisdiction. Wetland mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:</u></p> <p><u>1. Restoration. Restoring wetlands on upland sites that were formerly wetlands and/or have been degraded.</u></p> <p><u>2. Creation (establishment). Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of exotic introduced species.</u></p> <p><u>3. Enhancement. Enhancing on-site degraded wetlands.</u></p>	<p>Recommended change: The wetland section of the incorporated CAO lists wetland mitigation actions in order of preference, with enhancement of on-site degraded wetlands listed before wetland creation. The added subsection (I) revises this section to be consistent with joint EPA/Corps/Ecology mitigation guidance, which prefers wetland creation over on-site enhancement. Item I is also recommended to improve consistency with WAC 173-26-201(2)(a) and WAC 173-26-221(2)(a)(iii).</p>															

ATTACHMENT B: ECOLOGY REQUIRED AND RECOMMENDED CHANGES TO THE EATONVILLE SHORELINE MASTER PROGRAM PERIODIC REVIEW AMENDMENT -

Changes in **red** are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in **blue** are recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY 1- DISCUSSION/RATIONALE
Rec-4	7.2.3 Exemptions Listed	<p>Certain The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit. <u>The complete list of exempt activities is set forth in WAC 173-27-040, as amended. These activities are still subject to the provisions of this Program and</u> but shall obtain a <u>statement letter</u> of exemption, as provided for in Section 7.3:</p> <p><u>(e) Construction and practices normal and necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by levelling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;</u></p>	<p>Recommended change: The list of WAC Exemptions in 7.2.3 is not complete, however the full list of exemptions as set forth in WAC 173-27-040 and RCW 90.58.030 still applies. For clarity, we recommend either: a) Including only a reference to the list of exemptions in the WAC (rather than listing the exemptions themselves in the text of the SMP); b) Clearly indicating that you are providing a subset of examples, and that the full list applies to the Town’s shorelines and is in WAC 173-27-040; or c) Including the full list of exemptions set forth in the WAC by adding 2(e). As currently written, the approach in the SMP is most like this third option but may be misleading without the recommended clarifying language.</p>
Rec-5	7.2.3 Exemptions Listed	<p>1. Any development of which the total cost or fair market value, whichever is higher, does not exceed <u>seven-eight</u> thousand forty-seven dollars (\$7,047) <u>five hundred and four dollars (\$8,504)</u>, if such development does not materially interfere with the normal public use...</p>	<p>Recommended change: Effective July 1, 2022, the dollar threshold for substantial development is \$8,504 (<u>WSR-22-11-036</u>). The dollar amount is adjusted for inflation by the Office of Financial Management every five years. The next adjustment is due July 1, 2027.</p>
Rec-6	7.2.3 Exemptions Listed	<p>16. ...This exception applies if (A) the fair market value of the dock does not exceed twenty thousand <u>twenty two thousand, five hundred dollars</u> for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) Ten thousand dollars <u>eleven thousand, two hundred dollars</u> for all other docks.</p>	<p>Recommended change: Revision is recommended to update the threshold value for docks as adjusted in 2014 by the Office of Financial Management and published in the State Register on October 4, 2018.</p>
Rec-7	7.8.1 Appeal of Town Decision	<p>1. Appeals of the final decision of the Town with regard to shoreline management shall be governed by the provisions of EMC 18.09 and 19.09A and RCW 90.58.180.</p>	<p>Recommended change: Correct citation to EMC for clarity. This should refer to EMC 18.09.</p>
Rec-8	8.2 Definitions	<p>21. Critical Areas⁴: Critical areas means those areas listed in EMC 16.20.060.</p>	<p>Recommended change: Delete duplicative and incorrect definition #21. Definition #22 for “Critical Area” includes the correct citation to EMC 15.16.106.</p>